

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CONSOLIDATED BRICK & BUILDING
SUPPLIES, INC.,

Plaintiff,

v.

DAN LEPORE & SONS COMPANY,

Defendant.

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CIVIL ACTION NO. 06-2534 (MLC)

MEMORANDUM OPINION

THE PLAINTIFF and the defendant having stipulated to dismiss the claims between them (dkt. entry no. 12, 4-6-07 Stip.); and the Clerk having terminated the first-party action; and Chambers having contacted the defendant's counsel – Gary M. Perkiss – by telephone on April 9, 2007; and the defendant's counsel advising that the third-party claims have been settled as well; and thus the Court intending to dismiss the third-party complaint (1) without costs and (2) without prejudice to reopen the third-party action on good cause shown within 60 days if the settlement is not consummated; and the Court advising the parties that, even though the entire action will be marked as closed, to protect their interests they may submit a further stipulation of dismissal; and for good cause appearing, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge